

**THURSDAY, FEBRUARY 22, 1996**

**SIXTY-FIFTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Walley.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kisber; business reasons.

Representative Cross; illness.

**PRESENT IN CHAMBER**

Representative(s) Williams(Union) was/were recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1684:** Rep(s). Naifeh, Garrett, Armstrong, Tindell, Williams(Williamson), Arriola, White, Fitzhugh, Herron, Stulce, Bowers, Brown, Jackson and Fowlkes as prime sponsor(s).

**House Bill No. 1946:** Rep(s). Naifeh, Ford, Ramsey, Hassell, Robinson, Tindell, Armstrong, Turner(Hamilton), Williams(Union), Langster, Odom, Eckles, Callicott, Arriola, Byrd, Duer, Curtiss as prime sponsor(s).

**House Bill No. 1995:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 2287:** Rep(s). Bowers as prime sponsor(s).

**MESSAGE FROM THE SENATE**  
**February 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1653, 2054, 2072, 2136, 2179, 2196, 2216, 2257, 2292, 2312, 2367, 2372, 2404, 2512, 2622, 2648, 2741, 2839 and 2877; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1653 --** Criminal Offenses - Adds to elements of offense of failure to appear that person does not report back to court to explain failure to pay fines or costs when ordered to do so, or that person fails to appear to document condition of probation or otherwise lawfully imposed by court. Amends TCA 39-16-609. by \*McNally.

**\*Senate Bill No. 2054 --** Litter Control - Revises present law which requires motor vehicles transporting litter to either transport in enclosed space or have fully covered, by requiring motor vehicles less than 16,000 pounds to enclose litter; if vehicle weight is 16,000 pounds or more, litter must be enclosed or fully covered by tarpaulin. Amends TCA Title 39, Chapter 14, Part 5. by \*Wright.

**Senate Bill No. 2072 --** Motor Vehicles, Titling and Registration - Authorizes commissioner of revenue to establish system of registration renewals for commercial vehicles at alternate intervals during year. Amends TCA Section 55-4-121. by \*Miller J, \*Holcomb, \*Atchley, \*Fowler, \*Eisea, \*Carter, \*Leatherwood, \*Crowe, \*Person, \*Rice, \*Koella, \*Crowe, \*Haun.

**\*Senate Bill No. 2136** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by \*Person.

**\*Senate Bill No. 2179** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates depicting support for St. Jude Children's Research Hospital. Amends TCA Title 55, Chapter 4. by \*Kyle, \*Haun.

**\*Senate Bill No. 2196** -- County Government - Permits Obion County to remove debris from owner occupied property and attach lien for cost of removal to owner's property tax bill. Amends TCA Title 5, Chapter 1, Part 1. by \*Hamilton.

**\*Senate Bill No. 2216** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates bearing logo of International Association of Firefighters. Amends TCA Title 55, Chapter 4. by \*Haun.

**\*Senate Bill No. 2257** -- Motor Vehicles, Titling and Registration - Requires lienor to provide title of motor vehicle to owner within seven business days after lien discharged. Amends TCA Title 55, Chapter 3. by \*Cooper.

**\*Senate Bill No. 2292** -- Motor Vehicles, Titling and Registration - Directs the commissioner of safety to report to transportation committees of general assembly concerning fiscal and administrative impacts of special license plates on department of safety and county clerks. Amends TCA Title 55. by \*Springer.

**\*Senate Bill No. 2312** -- Barbers - Authorizes barbers to retire license by submitting approved form and paying \$10.00 fee; requires board to issue retired inactive license certificate upon receipt of fee; prohibits person to engage in practice of barbering until person's license is reactivated. Amends TCA Title 62, Chapter 3, Part 1. by \*Miller J.

**Senate Bill No. 2367** -- Child Abuse - Creates Class B misdemeanor offense of malicious false accusation of child abuse. Amends TCA Title 37, Chapter 1, Part 4. by \*Harper.

**\*Senate Bill No. 2372** -- Motor Vehicles, Titling and Registration - Allows for issuance of special license plates for members of Delta Sigma Theta Sorority, Inc. Amends TCA Title 55, Chapter 4. by \*Harper.

**\*Senate Bill No. 2404** -- Alcoholic Offenses - Increases penalty from Class C to Class B misdemeanor if person has three or more prior convictions for public intoxication within two years preceding arrest. Amends TCA Section 39-17-310. by \*Rice.

**\*Senate Bill No. 2512** -- Malpractice, Professional - Extends requirement for reporting by insurance companies to state board of medical examiners of settlement or judgment in malpractice claims against licensed physician to include reporting to state board of osteopathic examination for claims against doctor of osteopathic medicine. Amends TCA Section 56-3-111. by \*Crowe.

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**\*Senate Bill No. 2622** -- Sunset Laws - Tennessee tollway authority, June 30, 2000; prohibits tollway authority from taking any action regarding tolls without authorization from general assembly. Amends TCA Title 4, Chapter 29, and Title 54, Chapter 15. by \*Haynes.

**\*Senate Bill No. 2648** -- Dentists - Authorizes dentofacial orthopedics to be recognized as a specialty branch of dentistry. Amends TCA Title 63, Chapter 5. by \*Person.

**\*Senate Bill No. 2741** -- Health - Exempts out of state ambulance services from licensing requirements if rendering emergency aid at request of county or municipality. Amends TCA Title 68, Chapter 140, Part 5. by \*Holcomb.

**\*Senate Bill No. 2839** -- Handicapped Persons - Expands scope of coverage of disabled driver and aid to disabled persons for general financial assistance to include age as qualification for benefits. Amends TCA Title 55, Chapter 21 and Title 71, Chapter 4. by \*Ford J.

**\*Senate Bill No. 2877** -- Financial Institutions, Dept. of - Exempts certain applicants for licensure or renewal as money transmitters from requirement of submitting audited financial statements. Amends TCA Section 45-7-207 and Section 45-7-211. by \*McNally, \*Cooper, \*Koella.

**MESSAGE FROM THE SENATE  
February 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 333, 336, 337, 338 and 339; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 333** -- Memorials, Public Service - Janey Tyner, Governor Elect, Tennessee District Pilot International. by \*Hamilton.

**Senate Joint Resolution No. 336** -- Naming and Designating - "Upper Cumberland Drinking Water Month," May 1996. by \*Burks, \*O'Brien.

**Senate Joint Resolution No. 337** -- Memorials, Personal Occasion - Elizabeth Jane Gentry Hendley, anniversary of 175th birthday. by \*Burks.

**Senate Joint Resolution No. 338** -- Memorials, Public Service - Oscar Scott, winner, National Jefferson Award for Outstanding Community Service. by \*Burks.

**Senate Joint Resolution No. 339** -- Naming and Designating - "Police Memorial Day," May 15, 1996; "Police Memorial Week," May 12-18, 1996. by \*Burks, \*O'Brien, \*Harper.

### INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 439** -- Highway Signs - "Clarence Pete Phillips Highway," State Highway 231, Bedford County. by \*Windle.

House Transportation Committee

**\*House Joint Resolution No. 441** -- Highway Signs - "Sergeant Lance Fielder Memorial Highway," U.S. 70, Davidson County. by \*West, \*Robinson, \*Odom, \*Pruitt, \*Halteman Harwell, \*Langster, \*Jones, S., \*Purcell, \*Arriola, \*Garrett.

House Transportation Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 26, 1996:

**House Joint Resolution No. 443** -- Memorials, Personal Occasion - Rosa Lee Callis Birdwell. by \*Stamps.

### SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 26, 1996:

**Senate Joint Resolution No. 333** -- Memorials, Public Service - Janey Tyner, Governor Elect, Tennessee District Pilot International. by \*Hamilton.

**Senate Joint Resolution No. 337** -- Memorials, Personal Occasion - Elizabeth Jane Gentry Hendley, anniversary of 175th birthday. by \*Burks.

**Senate Joint Resolution No. 338** -- Memorials, Public Service - Oscar Scott, winner, National Jefferson Award for Outstanding Community Service. by \*Burks.

### RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**Senate Joint Resolution No. 328** -- Naming and Designating - Observe Ten Commandments, May 5-15, 1996. by \*Atchley, \*Koella, \*Wright, \*Fowler, \*Rice, \*Miller J,

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\*Holcomb, \*McNally, \*Jordan, \*Gilbert, \*Person, \*Elsa, \*Carter, \*Leatherwood, \*Burks, \*Hamilton, \*Crowe, \*Wilder, \*O'Brien, \*Haynes.

House State & Local Government Committee

**Senate Joint Resolution No. 336** -- Naming and Designating - "Upper Cumberland Drinking Water Month," May 1996. by \*Burks, \*O'Brien.

House State & Local Government Committee

**Senate Joint Resolution No. 339** -- Naming and Designating - "Police Memorial Day," May 15, 1996; "Police Memorial Week," May 12-18, 1996. by \*Burks, \*O'Brien, \*Harper.

House State & Local Government Committee

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3248** -- Gainesboro - Subject to local approval, creates new town charter. Amends ed. Repeals Chapter 26 of the Acts of 1905; as amended. by \*Winningham.

**House Bill No. 3249** -- Alamo - Subject to local approval, increases maximum monthly salary for mayor from \$300 to \$500; increases term of office for board of mayor and aldermen positions from two to four years. Amends Chapter 557 of the Private Acts of 1911; as amended. by \*Cole (Dyer).

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 1653** -- Criminal Offenses - Adds to elements of offense of failure to appear that person does not report back to court to explain failure to pay fines or costs when ordered to do so, or that person fails to appear to document condition of probation or otherwise lawfully imposed by court. Amends TCA 39-16-609. by \*McNally.

**\*Senate Bill No. 2054** -- Litter Control - Revises present law which requires motor vehicles transporting litter to either transport in enclosed space or have fully covered, by requiring motor vehicles less than 16,000 pounds to enclose litter; if vehicle weight is 16,000 pounds or more, litter must be enclosed or fully covered by tarpaulin. Amends TCA Title 39, Chapter 14, Part 5. by \*Wright.

**Senate Bill No. 2072** -- Motor Vehicles, Titling and Registration - Authorizes commissioner of revenue to establish system of registration renewals for commercial vehicles at alternate intervals during year. Amends TCA Section 55-4-121. by \*Miller J, \*Holcomb, \*Atchley, \*Fowler, \*Elsa, \*Carter, \*Leatherwood, \*Crowe, \*Person, \*Rice, \*Koella, \*Crowe, \*Haun.

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**\*Senate Bill No. 2136** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by \*Person.

**\*Senate Bill No. 2179** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates depicting support for St. Jude Children's Research Hospital. Amends TCA Title 55, Chapter 4. by \*Kyle, \*Haun.

**\*Senate Bill No. 2196** -- County Government - Permits Obion County to remove debris from owner occupied property and attach lien for cost of removal to owner's property tax bill. Amends TCA Title 5, Chapter 1, Part 1. by \*Hamilton.

**\*Senate Bill No. 2216** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates bearing logo of International Association of Firefighters. Amends TCA Title 55, Chapter 4. by \*Haun.

**\*Senate Bill No. 2257** -- Motor Vehicles, Titling and Registration - Requires lienor to provide title of motor vehicle to owner within seven business days after lien discharged. Amends TCA Title 55, Chapter 3. by \*Cooper.

**\*Senate Bill No. 2292** -- Motor Vehicles, Titling and Registration - Directs the commissioner of safety to report to transportation committees of general assembly concerning fiscal and administrative impacts of special license plates on department of safety and county clerks. Amends TCA Title 55. by \*Springer.

**\*Senate Bill No. 2312** -- Barbers - Authorizes barbers to retire license by submitting approved form and paying \$10.00 fee; requires board to issue retired inactive license certificate upon receipt of fee; prohibits person to engage in practice of barbering until person's license is reactivated. Amends TCA Title 62, Chapter 3, Part 1. by \*Miller J.

**Senate Bill No. 2367** -- Child Abuse - Creates Class B misdemeanor offense of malicious false accusation of child abuse. Amends TCA Title 37, Chapter 1, Part 4. by \*Harper.

**\*Senate Bill No. 2372** -- Motor Vehicles, Titling and Registration - Allows for issuance of special license plates for members of Delta Sigma Theta Sorority, Inc. Amends TCA Title 55, Chapter 4. by \*Harper.

**\*Senate Bill No. 2404** -- Alcoholic Offenses - Increases penalty from Class C to Class B misdemeanor if person has three or more prior convictions for public intoxication within two years preceding arrest. Amends TCA Section 39-17-310. by \*Rice.

**\*Senate Bill No. 2512** -- Malpractice, Professional - Extends requirement for reporting by insurance companies to state board of medical examiners of settlement or judgment in malpractice claims against licensed physician to include reporting to state board of osteopathic examination for claims against doctor of osteopathic medicine. Amends TCA Section 56-3-111. by \*Crowe.

## THURSDAY, FEBRUARY 22, 1996 -- SIXTY-FIFTH LEGISLATIVE DAY

**\*Senate Bill No. 2622** -- Sunset Laws - Tennessee tollway authority, June 30, 2000; prohibits tollway authority from taking any action regarding tolls without authorization from general assembly. Amends TCA Title 4, Chapter 29, and Title 54, Chapter 15. by \*Haynes.

**\*Senate Bill No. 2648** -- Dentists - Authorizes dentofacial orthopedics to be recognized as a specialty branch of dentistry. Amends TCA Title 63, Chapter 5. by \*Person.

**\*Senate Bill No. 2741** -- Health - Exempts out of state ambulance services from licensing requirements if rendering emergency aid at request of county or municipality. Amends TCA Title 68, Chapter 140, Part 5. by \*Holcomb.

**\*Senate Bill No. 2839** -- Handicapped Persons - Expands scope of coverage of disabled driver and aid to disabled persons for general financial assistance to include age as qualification for benefits. Amends TCA Title 55, Chapter 21 and Title 71, Chapter 4. by \*Ford J.

**\*Senate Bill No. 2877** -- Financial Institutions, Dept. of - Exempts certain applicants for licensure or renewal as money transmitters from requirement of submitting audited financial statements. Amends TCA Section 45-7-207 and Section 45-7-211. by \*McNally, \*Cooper, \*Koella.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3245** -- Marshall County -- Local Bill Held on House Desk

**House Bill No. 3246** -- Rutherford County -- Local Bill Held on House Desk

### REPORTS FROM STANDING COMMITTEES

The committees that met on **February 22, 1996**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for February 26, 1996**: House Bill(s) No(s). 2318, 2045, 819 and 2043.

The Committee set the following bills on the **Regular Calendar for February 28, 1996**: House Bill(s) No(s). 2052 and Senate Bill(s) No(s). 2040.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar for February 29, 1996**: House Bill(s) No(s). 2669 and 2018.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for February 26, 1996**: House Bill(s) No(s). 2278, 2236, 2238, 2305, 2235, 2306, 2157, 2154, 2461, 2466, 2991, 2993, 2992, 2988 and 2436.



CONSENT CALENDAR

**House Joint Resolution No. 440** -- Memorials, Death - William Bentley Wade. by \*Napier.

**House Joint Resolution No. 442** -- Memorials, Recognition and Thanks - 1996 Paris/Henry County Sadie Hawkins Day Dance. by \*Ridgeway.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

**\*House Bill No. 1995** -- Transportation, Dept. of - Requires all bids submitted to department be treated as confidential and not open to public inspection; authorizes use of records by department to determine qualification of bidders and to defend decisions in awarding contracts. Amends TCA Title 10, Chapter 7 and Title 54, Chapter 5. by \*Cole (Dyer), \*Kisber, \*Robinson, \*Head, \*Rinks, \*Westmoreland. (SB2085 by \*Haun, \*Elsea, \*O'Brien)

On motion, House Bill No. 1995 was made to conform with **Senate Bill No. 2085**; the Senate Bill was substituted for the House Bill.

Rep. Cole(Dyer) moved that Senate Bill No. 2085, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

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Rep. Cole(Dyer) moved that **Senate Bill No. 2085** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	14
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Beavers, Bittle, Brown, Coffey, Ford, Halteman Harwell, Jones, S., Langster, Lewis, Odom, Patton, Ritchie, Tindell, Williams (Union) -- 14.

Representatives present and not voting were: Pruitt, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2428** -- Game and Fish Laws - Removes requirement that fish may not be taken by more than three poles constantly attended. Amends TCA Section 70-4-104. by \*Napier, \*Curtiss, \*Callicott, \*Fowlkes, \*McDaniel. (\*SB2240 by \*Gilbert)

Rep. Napier moved that **House Bill No. 2428** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 1684** -- Children - Establishes, incrementally, pilot network of community based, family-focused, early childhood education development programs for unserved children, ages three and four, who are Headstart eligible or who are at risk of educational disadvantage or failure due to abuse, neglect, disability, or family dysfunction. Amends TCA Title 49, Chapter 6. by \*Purcell, \*Turner (Hamilton), \*Bragg, \*Chumney, \*West, \*Duer, \*Lewis, \*McMillan, \*Bell, \*Jones, S., \*DeBerry L., \*Pruitt, \*Byrd, \*McDonald, \*Cross, \*Ridgeway, \*Givens, \*Langster, \*Odom. (\*SB1715 by \*Henry, \*Dixon, \*Harper, \*Elsea, \*Rice, \*Rochelle, \*Crowe)

Rep. Purcell moved that House Bill No. 1684 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1684 by adding the following language to the end of Section 1(f) as a new, appropriately designated subdivision:

( ) Notwithstanding the provisions of Section 9-6-108(d), or any other law to the contrary, for fiscal year 1996-1997 there shall be earmarked and appropriated from the Children's Plan, established by Executive Order No. 58, (June 29, 1994), a sum sufficient not to exceed three million nine hundred thousand dollars (\$3,900,000) to implement the provisions of this subsection.

AND FURTHER AMEND by deleting from the effective date section the words, figures and symbols "July 1, 1995" and by substituting instead the words, figures and symbols "July 1, 1996".

Rep. Givens moved the previous question, which motion failed by the following vote:

Ayes .....54  
Noes .....35

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Boyer, Bragg, Buck, Byrd, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Hassell, Head, Herron, Jackson, Jones, S., Jones, U. (Shelby), Kernell, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham -- 54.

Representatives voting no were: Beavers, Bird, Bittle, Brooks, Brown, Callicott, Clabough, Coffey, Cole (Carter), Davis, Duer, Dunn, Gunnels, Haley, Halteman, Harwell, Hicks,

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Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 35.

Rep. Gunnels moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes .....	34
Noes .....	60
Present and not voting .....	1

Representatives voting aye were: Beavers, Bird, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Davis, Duer, Dunn, Gunnels, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, McAfee, McKee, Newton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 34.

Representatives voting no were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Langster, Lewis, McDaniel, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 60.

Representatives present and not voting were: Rhinehart -- 1.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes .....	58
Noes .....	37

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Davis, Duer, Dunn, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 37.

Rep. Odom moved the previous question, which motion failed by the following vote:

Ayes .....	58
Noes .....	29
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Kernell, Kerr, Langster, Lewis, McDonald, McMillan, Miller, Napier, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Shirley, Stulce, Tindell, Towns, West, White, Whitson, Williams (Williamson), Windle, Winningham -- 58.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Cantrell, Clabough, Coffey, Davis, Duer, Dunn, Ford, Gunnels, Hassell, Huskey, Joyce, McAfee, McDaniell, McKee, Peach, Ramsey, Roach, Sharp, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 29.

Representatives present and not voting were: Turner (Hamilton) -- 1.

Rep. Ritchie moved the previous question, which motion failed by the following vote:

Ayes .....	54
Noes .....	36

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham -- 54.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Davis, Duer, Dunn, Ford, Gunnels, Halteman Harwell, Hassell, Huskey, Joyce, Kent, Kerr, McAfee, McDaniell, Newton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 36.

Rep. Bittle moved the previous question, which motion prevailed.

Rep. Purcell moved that **House Bill No. 1684**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	58
Noes .....	37
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Langster, Lewis, McDonald, McMillan, Miller, Napier, Odom, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Robinson,

Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Whitson, Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Beavers, Bittle, Boyer, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Davis, Dunn, Ford, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, McKee, Newton, Patton, Peach, Ramsey, Roach, Sharp, Shirley, Stamps, Venable, Walley, Westmoreland, Williams (Union), Wood -- 37.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1946--** DUI/DWI Offenses - Creates Class A felony offense of aggravated vehicular homicide. Amends TCA Title 39, Chapter 13, Part 2. by \*McMillan, \*Kent, \*Givens, \*Newton, \*Ridgeway, \*Cross, \*Buck, \*Pinion, \*Herron, \*Stulce, \*Fitzhugh, \*White, \*Chumney, \*Hargrove, \*Purcell, \*Jackson, \*Ritchie, \*Lewis, \*Head, \*Rhinehart, \*Kisber, \*Rinks, \*Whitson, \*Cole (Carter), \*Bragg, \*Williams (Williamson), \*Boyer, \*Bird, \*Stamps, \*Peach, \*Westmoreland, \*West, \*Jones, S., \*Bell, \*Beavers, \*McDonald. (SB1944 by \*Haynes, \*Gilbert, \*Person, \*Leatherwood)

Rep. McMillan moved that House Bill No. 1946 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1946 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding the following as a new section:

(a) Aggravated vehicular homicide is vehicular homicide, as defined in § 39-13-213 (a)(2), where:

(1) The defendant has two (2) or more prior convictions for:

- (A) Driving under the influence of an intoxicant;
- (B) Vehicular assault; or
- (C) Any combination of such offenses;

(2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide; or

(3) There was at the time of the offense twenty-hundredths of one percent (.20%), or more, by weight of alcohol in the defendant's blood and the defendant has one (1) prior conviction for:

- (A) Driving under the influence of an intoxicant; or
- (B) Vehicular assault.

(b)

(1) As used in this section, unless the context otherwise requires, "prior conviction" means an offense for which the defendant was convicted prior to the commission of the instant vehicular homicide and shall include convictions occurring prior to the effective date of this act.

(2) "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted one (1) of the three (3) offenses enumerated in subsection (a)(1) or (a)(2) of this section. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as one (1) of the three (3) offenses enumerated in subsection (a)(1) or (a)(2) of this section, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if such offense constitutes one (1) of the prior convictions required by subsection (a) of this section.

(c) If the defendant is charged with aggravated vehicular homicide, the indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions. If the defendant is convicted of vehicular homicide under Tennessee Code Annotated, Section 39-13-213(a)(2), the jury shall then separately consider whether the defendant has the requisite number and types of prior offenses and/or level of blood alcohol concentration necessary to constitute the offense of aggravated vehicular homicide. If the jury convicts the defendant of aggravated vehicular homicide, the court shall pronounce judgment and sentence the defendant from within the felony classification set out in subsection (d) of this section.

(d) Aggravated vehicular homicide is a Class A felony.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1946**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 2225** -- Insurance, Health, Accident - Prohibits construing statutory text as prohibition on coverage of health and medical services. Amends TCA Title 56, Chapter 26; Title 56, Chapter 27; Title 56, Chapter 28; Title 56, Chapter 29 and Title 56, Chapter 32. by \*Jackson. (\*SB2112 by \*Cooper)

Rep. Gunnels moved that **House Bill No. 2255** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Pinion, Rinks, Williams (Union) -- 3.

A motion to reconsider was tabled.



**House Bill No. 2161** -- Motor Vehicles, Tinting and Registration - Requires lienor to provide title of motor vehicle to owner within seven business days after lien discharged Amends TCA Title 55, Chapter 3. by \*Curtiss, \*Fitzhugh. (\*SB2257 by \*Cooper)

On motion, House Bill No. 2161 was made to conform with **Senate Bill No. 2257**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 2257 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Curtiss moved that **Senate Bill No. 2257** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2287** -- Day Care - Extends period exempt child care facilities operating in connection with churches, business establishments or recreational facilities may care for children of parents involved in short-term activities, from six to nine hours. Amends TCA Section 71-3-527. by \*Beavers, \*West. (SB2420 by \*Jordan)

Rep. Beavers moved that **House Bill No. 2287** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.

(Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### BILLS WITHDRAWN

On motion of Rep. Phelan, **House Bill No. 2293** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Phelan, **House Bill No. 2294** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Phelan, **House Bill No. 2295** was recalled from the State & Local Government Committee and withdrawn from the House.

On motion of Rep. Phelan, **House Bill No. 2185** was recalled from the Agriculture Committee and withdrawn from the House.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 398:** Rep(s). Ramsey as prime sponsor(s).

**House Bill No. 1402:** Rep(s). Jones, S. as prime sponsor(s).

**House Bill No. 1617:** Rep(s). Byrd as prime sponsor(s).

**House Bill No. 2313:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 2394:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 2433:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2472:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2485:** Rep(s). Stamps, Eckles, Haley, Kerr, Hassell, Joyce, Byrd, Jones, R. (Shelby), Pinion, Turner(Shelby), Brooks, Jones, U. (Shelby), Kent, Phelan, Huskey,

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Tindell, Armstrong, Burchett, Cross, Ford, Davis, Dunn, Clabough and Lewis as prime sponsor(s).

**House Bill No. 2552:** Rep(s). Bell and Winningham as prime sponsor(s).

**House Bill No. 2673:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2851:** Rep(s). Bowers as prime sponsor(s).

**House Bill No. 2863:** Rep(s). Jones, S. as prime sponsor(s).

**House Bill No. 2888:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2907:** Rep(s). Rinks and Williams(Union) as prime sponsor(s).

**House Bill No. 2974:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 3081:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 3100:** Rep(s). Purcell as prime sponsor(s).

**House Bill No. 3128:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 3130:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 3204:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 3212:** Rep(s). Kisber, Head and Rinks as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Roach was/were removed as sponsor(s) of **House Bill No. 256**.

On motion, Rep(s). Williams(Union) and Roach was/were removed as sponsor(s) of **House Bill No. 2597**.

On motion, Rep(s). McDaniel, Cantrell, Wood and Ramsey was/were removed as sponsor(s) of **House Bill No. 2916**.

On motion, Rep(s). McDaniel, Ramsey and Wood was/were removed as sponsor(s) of **House Bill No. 2917**.

**MESSAGE FROM THE SENATE**

**February 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 328; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 328 --** Naming and Designating - Observe Ten Commandments, May 5-15, 1996. by \*Atchley, \*Koella, \*Wright, \*Fowler, \*Rice, \*Miller J,

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\*Holcomb, \*McNally, \*Jordan, \*Gilbert, \*Person, \*Elsa, \*Carter, \*Leatherwood, \*Burks, \*Hamilton, \*Crowe, \*Wilder, \*O'Brien, \*Haynes.

**MESSAGE FROM THE SENATE**

**February 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1997, 1999, 2001, 2006, 2024, 2559, 2560 and 2561; also, Senate Joint Resolution(s) No(s). 325, 326, 331, 332, 334, 335; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 430 and 432; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**February 22, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2428; also, House Joint Resolution(s) No(s). 440 and 442.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**February 22, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2056, 2178, 2249, 2322 and 2412, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**February 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 442; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**February 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1841, 2203, 2276, 2308, 2355, 2365, 2405, 2414, 2585, 2595, 2736, 2837, 2844, 2989 and 3017; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1841** -- County Boundaries - Establishes portion of county line between Carroll and Henry counties from point line intersects east line from Weakley County to point line crosses center of S.R. 76. by \*Carter, \*Hamilton.

**\*Senate Bill No. 2203** -- Banks and Financial Institutions - Increases permissible amount that may be contained in mortgage escrow account; makes compliance with federal law sufficient for state compliance. Amends TCA Section 45-13-109. Repeals TCA Section 45-1-128. by \*Rochelle.

**\*Senate Bill No. 2276** -- Civil Service - Requires departments of personnel and finance and administration to make reports to general assembly of certain job position changes. Amends TCA Section 8-30-211. by \*Crutchfield, \*Holcomb.

**\*Senate Bill No. 2308** -- Statutes - Provides that provisions of each bill enacted into law deemed to be severable unless, in given case, particular bill specifically includes reverse severability clause. Amends TCA Title 3, Chapter 2. by \*Rice.

**\*Senate Bill No. 2355** -- Public Buildings - Authorizes board of directors of public building authorities to establish executive committee and position of administrator; authorizes board and committees to take action by written consent if authorized by charter and bylaws. Amends TCA Section 12-10-108. by \*Atchley.

**Senate Bill No. 2365** -- Pensions and Retirement Benefits - Expands TCRS authority to make lump sum payments for small estates. Amends TCA Section 8-36-120(a); Section 8-37-104(a)(8). by \*Atchley.

**\*Senate Bill No. 2405** -- Criminal Offenses - Reduces offense of fleeing to evade arrest from Class A to Class B misdemeanor if person flees on foot to conform to present misdemeanor classification for preventing or obstructing officer serving process where no deadly weapon is used. Amends TCA Section 39-16-603. by \*Rice.

**Senate Bill No. 2414** -- Driver Licenses - Revokes driver license if student fails to maintain satisfactory academic progress in school. Amends TCA Section 49-6-3017; Section 55-50-502 and Sections 55-50-511 through 55-50-514. by \*Springer.

**Senate Bill No. 2585** -- Districting, Congressional - Revises composition of Districts 1 and 2. by \*Atchley, \*Gilbert, \*McNally.

**\*Senate Bill No. 2595** -- Naming and Designating - "Anderson National Guard Armory," Fayetteville. by \*Cooper.

**\*Senate Bill No. 2736** -- Apportionment, Legislative - Transfers 12 census tract blocks from Senate District 21 to Senate District 19 Amends TCA Section 3-1-102. by \*Henry, \*Harper.

**Senate Bill No. 2837** -- Aircraft and Airports - Authorizes airport authorities to be composed of five to 11 members rather than five members. Amends TCA Title 42, Chapter 3. by \*Wright.

**\*Senate Bill No. 2844** -- County Officers - Permits interim county executive to be appointed if office becomes vacant in middle of term. Amends TCA Title 5, Chapter 5, Part 1. by \*Henry, \*Springer.

**\*Senate Bill No. 2989** -- Naming and Designating - "Nell J. Garland Administration Building," campus of Tennessee Correction Academy, Tullahoma. by \*Cooper, \*Henry, \*O'Brien.

**Senate Bill No. 3017** -- Municipal Government - Allows credit of 25 hours for associate degree or 50 hours for bachelor degree towards required 100 hours of education courses for municipal clerk certification. Amends TCA Section 6-54-120(b) and (c). by \*Womack.

**ENGROSSED BILLS**  
**February 22, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1684, 1946, 2255 and 2287.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**February 22, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 1947, 1965, 1997, 1999, 2001, 2006, 2024, 2039, 2096, 2559, 2560 and 2561; also, Senate Joint Resolution(s) No(s). 325, 326, 331, 332, 334 and 335.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell,

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Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, February 26, 1996.